

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2015

CORAM:

The Honourable Mr. Justice K.K.SASIDHARAN

W.P.No.23081 of 2012
& M.P.No.1 of 2012

1. M.S. Nagarajan
2. V.Ramesh
3. N. Jayaprakash
4. S. Ranganathan
5. N. Kanagaraj
6. M. Easwaramurthy
7. V. Vijayakumar
8. P. Venkatesan

...Petitioners

-Vs.-

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Transport Department
Secretariat
Chennai-600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation Limited
Coimbatore Division
37, Mettupalayam Division
Coimbatore-641 029.
3. The District Employment Officer
District Employment Office
Coimbatore-641 029.
4. The District Employment Officer
District Employment Office
Erode.
5. The District Employment Officer
District Employment Office
Ooty, The Nilgiris District.
6. The District Employment Officer
District Employment Office
Tiruppur District.

...Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the petitioners for selection and appointment to the post of Conductor in the second respondent Corporation, on par with juniors based on Combined Employment Exchange Seniority of all the Districts coming within the Operational limits of Coimbatore Division and by applying age relaxation as per G.O.Ms.No.98, P & AR Department dated 17.07.2006 with all consequential and attendant benefits.

For Petitioner : Mr.G. Sankaran

For Respondents : Mr.M.S.Ramesh
AGP for RR1, 3 to 6

Mr. S. Sairaman for R.2

ORDER

The names of the petitioners were not sponsored by the Employment Exchange for appointment pursuant to the request made by the Tamil Nadu State Transport Corporation Limited. According to the petitioners, the Tamil Nadu State Transport Corporation Limited, Coimbatore Division, is having operational jurisdiction in three Districts namely, Coimbatore, Erode and the Nilgiris. The Transport Corporation after lifting the ban called for sponsorship from employment exchange from Erode and Nilgiris. However no such sponsorship was taken from the Coimbatore exchange. As a result, vacancies were filled up only from the two Districts and none of the applicants from Coimbatore Districts were appointed. The petitioners are now over aged and as such it would not be possible for them to undergo the selection process. The petitioners therefore wanted the respondents to consider them for appointment to the post of Conductor in Transport Corporation.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

3. The petitioners have come up with a grievance that the Tamil Nadu State Transport Corporation Limited failed to request the employment exchange at Coimbatore to sponsor candidates. The Tamil Nadu State Transport Corporation appears to have sought sponsorship only from the employment exchanges at Erode, Nilgiris and Triuppur. The respondents have not called for names from the employment exchange Coimbatore.

4. Since the Tamil Nadu State Transport Corporation was having operational area in the Districts of Coimbatore, Erode and Nilgiris, the Corporation should have taken candidates from all these Districts. The Corporation has already selected candidates. There

is no question of directing the Corporation to select petitioners at this point of time taking into account their employment exchange seniority. The issue therefore requires consideration by the first respondent.

5. The petitioners are given liberty to submit a representation to the first respondent to redress their grievances. In case any such representation is given, the same shall be considered and disposed of by the first respondent on merits and in accordance with law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. Consequently the connected MP is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Tr/
To

1. The Secretary to Government of Tamil Nadu,
Transport Department
Secretariat
Chennai-600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation Limited
Coimbatore Division
37, Mettupalayam Division
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District Employment Office
Ooty, The Nilgiris District.

6. The District Employment Officer
District Employment Office
Tiruppur District.

1 cc to Mr.G.Sankaran ,Advocate, SR.No.15919
1 cc to Mr. S.Sairaman,Advocate, SR.No.5508
1 cc to Government Pleader,Sr.No15606

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pmk.23.4.2015



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